

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

THOMAS TAYLOR

PETITIONER

v.

No. 1:20CV209-SA-JMV

STATE OF MISSISSIPPI

RESPONDENT

ORDER OF DISMISSAL

The court takes up, *sua sponte*, the dismissal of this cause. On October 21, 2020, the court entered an order requiring the petitioner to complete and return the court's standard *habeas corpus* form as an amended petition in this case, as well as the court's standard form for a Motion to Proceed *In Forma Pauperis*. The court cautioned the petitioner that failure to comply with the order would result in the dismissal of this case without prejudice. Despite this warning, the petitioner has failed to comply with the court's order; instead, he filed a response to the court's order, arguing that he need not complete and return the form petition because the court had already accepted his original papers and construed them as a petition for a writ of *habeas corpus*. The court is required to be lenient when construing *pro se* pleadings, *Haines v. Kerner*, 404 U.S. 519 (1972), found Taylor's submission to be a request for *habeas corpus* relief, and placed it on the docket. However, the form pleading serves to ensure that a petitioner includes all information necessary for the expeditious handling of the petition, and the court requires *all* litigants, whether *pro se* or represented, to use the form petition.

In any event, Mr. Taylor did not comply with the court's directive, and the deadline for compliance passed on November 11, 2020. This case is therefore **DISMISSED** *without prejudice* for failure to prosecute and for failure to comply with an order of the court under FED. R. Civ. P. 41(b). As the dismissal is without prejudice, Mr. Taylor may still present the court

with a petition on the proper form to reinstate this case.

SO ORDERED, this, the 26th day of January, 2021.

/s/ Sharion Aycock
U. S. DISTRICT JUDGE